

**III. Remarks**

Claims 1-30 and Claims 92-121 are pending in the present application. Applicants are grateful to the Examiner for recognizing the allowable subject matter contained in pending Claims 7, 8, 16, 26-30, 98, 99, 107 and 117-121. The remaining pending claims are rejected as set forth in the Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the foregoing amendments set forth in the "Amendments to the Claims" section and the arguments set forth below.

**A. Summary of Amendments**

Claims 1 and 92 have been amended as described below to clarify the terms race entry data and race program data. Claim 121 has been amended to correct a typographical error omitting the term "claim." Claims 122 and 123 have been added and depend from Claims 1 and 92, respectively, examination of which is requested.

**B. Claim Rejection Under § 102(e)**

The Action rejects independent Claims 1 and 92 as being anticipated by U.S. Patent No. 6,089,981 to Brenner et al. Claims 1 and 92 have been amended to clarify that race entry data include a listing of scheduled races at each of said tracks "at a future day" and that the race program data relate to races "for a present day." As explained in the specification, at for example, Page 10, Line 28 through Page 11, Line 14, race entry data typically become available 48 hours in advance of a race, whereas program data generally become available 24 hours in advance of a race. Race entry data are generally subject to change as the race time draws nearer, i.e., when the program data become available for the races identified in the race entry data.

The Brenner system does not provide any racing data that include race entry data for races at a future day. The data provided by the Brenner system are limited to data relating to current races at each track, i.e., the current day's races. Column 5, Line 63-Column 6, Line 13.

Simply, there is no teaching or suggestion in Brenner et al. for the transmission of both race entry data for future races and race program data for present races.

Still further, Claims 1 and 92 are directed to a method and system, respectively, for providing wagering data for a race contest through a computer network. The claims specifically recite that the race entry data, race program data and odds data are transmitted to the user terminal through a computer network. Applicants again submit that the Examiner has misconstrued the nature of the system of Brenner et al. when he concludes that "Brenner also has the capability of providing race data to a user terminal via a computer network." Action, Page 6.

The Brenner et al. system clearly does not provide race entry data, race program data or odds data to a user terminal via a computer network. The Examiner relies on the disclosure of Brenner et al., Column 19, Line 38-Column 20, Line 5 for teaching that the system has the capability of providing race entry data, race program data and odds data to the user terminal via a computer network. In so doing, the Examiner cites to FIG. 29 and communication line 390 and telephone network 392 for communicating "wagers" and "accounting information." First, the portion of the description relied upon by the Examiner describes the flow of wagering and bank transactions from the user terminal to the totalisator and bank. Wagers and account information are not race entry, race program or odds data that are received by the user terminal of Brenner.

Further, Brenner describes the path of racing and odds data in the system of FIG. 29 as being from the wagering data management facility 380, to the racing data interface 372, to the video and data distribution system 368, to the user terminal 370 over cable link 376. (Column 17, Line 29 to Column 18, Line 61). Simply, Brenner provides no disclosure indicating that the large amounts of transmitted racing data and odds data can or do travel through a different path back through network 392 to user terminal 370 from the wagering data management facility 380. Indeed, Applicants again submit that such a system is completely antithetical to the teachings and purposes of the Brenner et al. system – to distribute data via a mass communication system. With respect to the system of Figure 1 of Brenner et al., the distribution method is described as follows:

In wagering system 100, racing data are provided from distribution facility 120 to user terminals 122 via a distribution network 124, which is either cable wired directly to the home, a system of home satellite receivers, or radio or television broadcasting equipment. An advantage of using cable, satellites, or broadcast systems in distribution network 124 is that video information along with large quantities of racing data may be supplied to a large array of user terminals 122 more economically than with other systems. Using this type of system, the user can receive the racing data continuously, without forcing the wagering system 100 to monopolize the user's telephone line.

Column 7, Lines 7-24. Specifically with respect to the second embodiment of the Brenner et al. system (FIG. 29), the system is configured to provide racing data and racing video together through conventional video distribution networks: "Thus, wagering system 366 avoids the shortcomings of previously known systems in which no racing videos could be provided to user-controllable terminals and in which limited racing data were at best provided to off-track terminals via telephone lines." (Column 18, Lines 39-43).

Distributing the recited data through a computer network, such as the Internet via an HTTP session, is certainly not disclosed or suggested by the television distribution network and method described by Brenner et al. Although other art of record, such as U.S. Patent No. 5,991,756 to Wu, may generally disclose communications via the Internet, the art does not disclose transmission of racing data and odds data, and Brenner et al. expressly teaches against using racing data communication means other than television distribution methods. Therefore, combining the teachings of Brenner et al. with a system like Wu, which provides documents over a computer network (e.g., the Internet), would defeat an express object of the invention of Brenner, i.e., providing racing data via mass communication means such as television, thereby

precluding any suggestion or motivation in the references or in the art to combine Brenner et al. with such a system.

Therefore, Claims 1 and 92 are not anticipated by nor suggested by Brenner et al. or any of the prior art of record. It is submitted that Claims 1 and 92, and Claims 2-30 and 93-121, which depend from Claims 1 and 92, respectively, are allowable over the prior art of record. Reconsideration and withdrawal of these rejections are respectfully requested.

**C. Claim Rejection Under § 103(a)**

Even though all pending claims are allowable as set forth above, Applicants would like to address some other rejections raised by the Examiner.

The Action rejects Claims 14-15, 17-25, 105-106 and 108-116 as being obvious from Brenner et al. in view of Wu. Claims 17 and 108 are directed to a method and system wherein a search board is provided to the user terminal that prompts the user to search the race program and race entry data for races including a specific horse, jockey or trainer or combination thereof selected by the user. Results of a search selected by the user are transmitted to the user through the computer network and identify the races satisfying the search criteria. This recited feature enables the user terminal to search the race entry data and program data to look for specific races (current day and future day) of interest, e.g., races where a specific horse and jockey are paired.

In rejecting Claims 17 and 108, the Examiner notes generally that Brenner et al. discloses “a means for providing selected result identifying races including a horse, jockey, or a trainer entries.” The Examiner relies upon Figures 20-23 of Brenner et al. for support. First, as argued above in connection with Claims 1 and 92, the Brenner et al. system does not provide race entry data representing races at a future day and, therefore, cannot provide the ability to locate these races by horse, jockey or trainer.

Further, Applicants submit that the data provided by Brenner et al. is not searchable, or at the very least, not searchable as recited in Claims 17 and 108. FIGS. 20-23 relied upon by the Examiner are described in Brenner et al., Column 14, beginning at Line 21. FIGS. 20-23 display

handicapping data provided to the user terminal through the cable distribution network. The handicapping data are displayed only after the user has selected a track and a race at the track. See FIG. 3 (indicating display of handicapping data from step 212 after selection of a race from a track at step 204). The handicapping data, therefore, apply to the entrants in a specific race *already selected by the user*. There is no search for races based on handicapping data involved in this process. In contrast, Applicants have claimed a method and system that enables the user to search for current and future races by a selected horse, jockey and trainer criteria to identify one or more qualifying races. If anything, Brenner describes the reverse process of first selecting a race and then obtaining information on the horse, jockey or trainer specific to the selected race. Wu, which essentially describes a search engine (e.g., Yahoo!) for identifying documents from a document repository, lends nothing to Brenner et al. in this context. Still further, as argued above in connection with Claims 1 and 92, Brenner et al. teaches away from providing racing data identifying races through a computer network as claimed in Claims 17 and 108. For at least these additional reasons, Claims 17 and 108, therefore, are independently allowable over the prior art of record.

Claims 18 and 19 depend from Claim 17, and Claims 109 and 110 depend from Claim 108. These claims are allowable for the same reasons set forth above in connection with Claims 17 and 108. In addition, Claims 18 and 109 recite that the search results of Claims 17 and 108, respectively, are caused to be organizable “by said user” by the recited characteristics, e.g., track, date, class, etc. The Examiner concedes that Brenner does not cause search results to be organized by a plurality of “headings” (the wording selected by the Examiner). This is certainly accurate, being that Brenner et al. does not teach providing the claimed search results as argued above in connection with Claims 17 and 108.

Still further, though, in the previous response, Applicants invited the Examiner to provide a specific citation to the disclosure of Wu that provides this user-controlled organization of search results feature. In the Final Rejection, the Examiner still provides no citation, and again merely states that “Wu teaches the capability of searching and organizing according to keywords

and topical searches for given information.” Applicants again take this opportunity to point out that Wu’s disclosure is directed to a method of applying a search query to identify documents in a document repository. Wu provides FIG. 45 as an example of the search results provided to an HTTP client as a result of the query. A review of Wu reveals no disclosure regarding a user organizing the search results. The “match list” or search results of FIG. 5 appear to provide the results as a list of “paths” of documents, which are presumably selectable to view a document. This listing is not organizable though in anyway by the user, i.e., it does not appear to be re-orderable by the user (by “heading” or otherwise) by a selected, underlying characteristic shared by the listed documents. Claims 18 and 109, therefore, are independently allowable over the prior art of record.

Claims 22 and 113 each include an organizing feature. As analyzed above, this feature is neither taught nor suggested by the prior art of record. Claims 22 and 113, therefore, are also independently allowable over the prior art of record.

In rejecting Claims 20, 23, 111 and 114, the Examiner also concludes that Brenner et al. teaches providing a race board having a listing of a plurality of races scheduled for a predetermined period of time and “prompting a user at least one race characteristic (post –time) on a user terminal.” First, Claims 23 and 114 recite an organizing feature and steps, not a searching feature and steps. As examined above in connection with Claims 18 and 109, the prior art of record does not teach or suggest any organizing features or steps as recited in the claims. Second, Claims 20 and 111 recite that the user is prompted to select a search of a race listing for races having at least one characteristic and that the search results displayed to the user include “an indication of races that share said at least one race characteristic from said listing of a plurality of races.” For example, a listing of a plurality of races for a given period of time is provided. The user can then elect to search for all races that have a specific race class or purse value, for example. The races that share this race characteristic(s) are then displayed to the user. Such process or functionality is neither taught nor suggested by the Examiner’s specific citation to Brenner et al. The citation by the Examiner (Column 9, Lines 41-64) describes the selection

of a race upon which to wager using the displays of FIGS. 9-11 of Brenner et al. A list of several tracks is provided. One track is then selected by the user. A list of races at the track is then provided, and a specific race is selected by the user.

Applicants concede that FIG. 9 shows a listing of a plurality of races (i.e., Race 3 at Pimlico, Race 2 at Hialeah Park and Race 3 at Philadelphia Park). But, as described below, the user is not prompted to search the listing for races having at least one race characteristic, and the listing of races is not searchable by a race characteristic selected by the user to provide search results including an indication of races including the selected characteristic(s). The Examiner has identified "post time" from FIG. 9 as the race characteristic selected by the user, presumably by selecting the "Pimlico" row in the display of FIG. 9. This selection, however, leads to the display of FIG. 10. The display of FIG. 10 does list a plurality of races, but these races do not share the race characteristic selected by the user, i.e., each race at Pimlico necessarily has a different "post time."

Further, Applicants would again note that Brenner et al. expressly teaches away from providing racing data via communication means other than a mass transmission network (cable distribution network). Wu describes a method of and search engine for identifying documents in a document repository. A document list is displayed to the user, and the user can presumably select a document for viewing. Based on Brenner et al.'s express objects with respect to providing racing data via mass transmission networks, one of ordinary skill would not import the teachings of a client-server model of Wu into the system of Brenner et al. For at least these additional reasons, Claims 20, 23, 111 and 114, therefore, are also independently allowable over the prior art of record.

#### **D. New Claims**

Claims 122 and 123, which depend from Claims 1 and 92, respectively, have been added and recite that the "computer network" includes the Internet. Brenner et al. clearly does not teach the use of the Internet to transmit the recited race entry, race program and odds data and, as

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analyzed above, teaches away from utilizing such a distribution means. Examination of Claims 122 and 123 are respectfully requested.



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**IV. Conclusion**

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1769**.

Respectfully submitted,

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